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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 10/635,420 | 08/05/2003 | Carl Kubitz | LXL-POS | 7332 |
| 7590 11/17/2004 | | | | |
| DONALD J. LENKSZUS | | | | |
| PO BOX 3064 | | | | |
| CAREFREE, AZ 85377 | | | | |
| EXAMINER: | | | | |
| BARBEE, MANUEL L | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2857 | | | | |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|-------------------------------------|---|
| <p align="center">Office Action Summary</p> | Application No. 10/635,420 | Applicant(s) KUBITZ, CARL | |
| | Examiner Manuel L. Barbee | Art Unit 2857 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ |
|---|--|

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 3, paragraph 6, delete both instances of "POI", and insert --POS--.

On page 9, par 33, delete the three instances of "PC 105", and insert --PC 501--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman (US Patent No. 6,785,845) in view of Mohammadian et al. (US Patent No. 6,064,721).

With regard to an interface coupled to provide substitute input signals in place of signals from a manually operable input of a transaction initiation device, as shown in claim 1, Venkataraman teaches a host computer with a program that sends data to a target on a point of sale (POS) device to simulate keyboard entries or card swipes (col. 1, line 55 - col. 2, line 43). With regard to the interface being coupled to the human readable display of the transaction device, as shown in claim 1, Venkataraman teaches that the target sends screen display information from the POS terminal to the host computer (col. 1, lines 55-65; col. 2, lines 20-27). With regard to a computer program to

access the interface and provide test scripts, as shown in claim 1, Venkataraman teaches a host provided on a personal computer and scripting the sequences of messages to be sent to the terminal (col. 2, lines 1-5; col. 3, lines 50-54).

Venkataraman does not teach an interface for converting proprietary signaling within the transaction initiation device for use with multiple proprietary arrangements, as shown in claim 1.

Mohammadian et al. teach a modular test instrument that includes an interface for use in testing instruments that includes a non-application specific base unit and an application module that is specific for each different instrument to be tested (col. 1, lines 10-36; col. 4, line 1- col. 5, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system, as taught by Venkataraman, to include an interface-usable with multiple instruments, as taught by Mohammadian et al., because then the test instrument would have been more versatile (Mohammadian et al., col. 3, lines 39-42).

With regard to the interface being coupleable to the memory and the computer program accessing the contents of the memory, as shown in claim 3, Venkataraman teaches the host accessing the memory of the POS terminal (col. 2, lines 60-63). With regard to a test computer, as shown in claim 4, Venkataraman teaches a personal computer for the host (col. 2, lines 1-5).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman in view of Mohammadian et al. as applied to claim 1 above, and further in view of Kubitz (US Patent No. 6,129,271).

Venkataraman and Mohammadian et al. teach all the limitations of claim 1 upon which claim 2 depends. Venkataraman and Mohammadian et al. do not teach a trace file for storing each test script and the display results, as shown in claim 2. Kubitz teaches storing creating a trace file that includes the results of testing (col. 4, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system combination, as taught by Venkataraman and Mohammadian et al., to include a trace file, as taught by Kubitz, because then the test results would have been available for analysis and comparison with other test results at a later time (Kubitz, col. 4, line 65 - col. 5, line 6).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shepley et al. (US Patent Application Publication 2004/0149818) teach an automated banking machine diagnostic device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlb
November 3, 2004


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800